



General Assembly

January Session, 2001

***Amendment***

LCO No. 6157

Offered by:

SEN. SULLIVAN, 5<sup>th</sup> Dist.

SEN. JEPSEN, 27<sup>th</sup> Dist.

SEN. PETERS, 20<sup>th</sup> Dist.

SEN. WILLIAMS, 29<sup>th</sup> Dist.

SEN. COLEMAN, 2<sup>nd</sup> Dist.

To: Subst. House Bill No. 6583

File No. 608

Cal. No. 393

***"AN ACT CONCERNING RECONSIDERATION REQUESTS AND  
THE REOPENING OF MATTERS BY THE COMMISSION ON  
HUMAN RIGHTS AND OPPORTUNITIES."***

1 After line 45, insert the following and renumber the remaining  
2 section accordingly:

3 "Sec. 4. Section 46a-83 of the general statutes is repealed and the  
4 following is substituted in lieu thereof:

5 (a) Within twenty days after the filing of any discriminatory practice  
6 complaint, or an amendment adding an additional respondent, the  
7 commission shall cause the complaint to be served upon the  
8 respondent together with a notice (1) identifying the alleged  
9 discriminatory practice, and (2) advising of the procedural rights and  
10 obligations of a respondent under this chapter. The respondent shall  
11 file a written answer to the complaint under oath with the commission

12 within thirty days of receipt of the complaint, provided a respondent  
13 may request, and the commission may grant, for good cause shown,  
14 one extension of time of fifteen days within which to file an answer to  
15 a complaint. The answer to any complaint alleging a violation of  
16 section 46a-64c or 46a-81e shall be filed within ten days of receipt.

17 (b) Within ninety days of the filing of the respondent's answer to the  
18 complaint, the executive director or the executive director's designee  
19 shall review the file. The review shall include the complaint, the  
20 respondent's answer and the responses to the commission's requests  
21 for information, if any, and the complainant's comments, if any, to the  
22 respondent's answer and information responses. If the executive  
23 director or the executive director's designee determines that the  
24 complaint fails to state a claim for relief or is frivolous on its face, that  
25 the respondent is exempt from the provisions of this chapter or that  
26 there is no reasonable possibility that investigating the complaint will  
27 result in a finding of reasonable cause, the complaint shall be  
28 dismissed. This subsection shall not apply to any complaint alleging a  
29 violation of section 46a-64c or 46a-81e. The executive director shall  
30 report the results of the executive director's determinations pursuant  
31 to this subsection to the commission quarterly during each year.

32 (c) The executive director of the commission or [his] the executive  
33 director's designee shall determine the most appropriate method for  
34 processing any complaint pending after review in accordance with  
35 subsection (b) of this section. The commission may conduct mandatory  
36 mediation sessions, expedited or extended mandatory fact-finding  
37 conferences or complete investigations or any combination thereof  
38 during the investigatory process for the purpose of finding facts,  
39 promoting the voluntary resolution of complaints or determining if  
40 there is reasonable cause for believing that a discriminatory practice  
41 has been or is being committed as alleged in the complaint. As used in  
42 this section and section 46a-84, reasonable cause means a bona fide  
43 belief that the material issues of fact are such that a person of ordinary  
44 caution, prudence and judgment could believe the facts alleged in the  
45 complaint. A complaint may be dismissed if a complainant, after notice

46 and without good cause, fails to attend a mandatory mediation session  
47 or mandatory fact-finding conference. A mediator may recommend,  
48 but not order, a resolution of the complaint. A complaint may be  
49 dismissed if the respondent has eliminated the discriminatory practice  
50 complained of, taken steps to prevent a like occurrence in the future  
51 and offered full relief to the complainant, even though the complainant  
52 has refused such relief.

53 (d) Before issuing a finding of reasonable cause or no reasonable  
54 cause, the investigator shall afford each party and [his] such party's  
55 representative an opportunity to provide written or oral comments on  
56 all evidence in the commission's file, except as otherwise provided by  
57 federal law or any other provision of the general statutes. The  
58 investigator shall consider such comments in making [his] the  
59 determination. The investigator shall make a finding of reasonable  
60 cause or no reasonable cause in writing and shall list the factual  
61 findings on which it is based not later than one hundred ninety days  
62 from the date of the determination based on the review of the  
63 complaint, conducted pursuant to subsection (b) of this section, except  
64 that for good cause shown, the executive director or [his] the executive  
65 director's designee may grant no more than two extensions of the  
66 investigation of three months each. If the investigator makes a  
67 determination that there is reasonable cause to believe that a violation  
68 of section 46a-64c has occurred, the complainant and the respondent  
69 shall have twenty days from receipt of notice of the reasonable cause  
70 finding to elect a civil action in lieu of an administrative hearing  
71 pursuant to section 46a-84. If either the complainant or the respondent  
72 requests a civil action, the commission, through the Attorney General  
73 or the commission counsel, shall commence an action pursuant to  
74 subsection (b) of section 46a-89 within forty-five days of receipt of the  
75 complainant's or the respondent's notice of election of a civil action.

76 (e) If the investigator issues a finding of no reasonable cause or if the  
77 complaint is dismissed (1) for failure to state a claim for relief, (2)  
78 because it is frivolous on its face, (3) because the respondent is exempt  
79 from the provisions of this chapter, or (4) because there is no

80 reasonable possibility that investigating the complaint will result in a  
81 finding of reasonable cause or if the complaint is dismissed pursuant  
82 to subsection (c) of this section, the complainant may request  
83 reconsideration of such finding or dismissal with the executive director  
84 of the commission, or the executive director's designee, not later than  
85 fifteen days from the issuance of such finding or dismissal. The  
86 executive director of the commission, or the executive director's  
87 designee, shall reconsider or reject within ninety days of the issuance  
88 of such finding or dismissal. The executive director of the commission,  
89 or the executive director's designee, shall conduct such additional  
90 proceedings as may be necessary to render a decision on the request  
91 for reconsideration.

92 (f) Upon a determination that there is reasonable cause to believe  
93 that a discriminatory practice has been or is being committed as  
94 alleged in the complaint, an investigator shall attempt to eliminate the  
95 practice complained of by conference, conciliation and persuasion  
96 within fifty days of a finding of reasonable cause. The refusal to accept  
97 a settlement shall not be grounds for dismissal of any complaint.

98 (g) No commissioner or employee of the commission may disclose,  
99 except to the parties or their representatives, what has occurred in the  
100 course of such endeavors provided the commission may publish the  
101 facts in the case and any complaint which has been dismissed and the  
102 terms of conciliation when a complaint has been adjusted. Each party  
103 and [his] such party's representative shall have the right to inspect and  
104 copy documents, statements of witnesses and other evidence  
105 pertaining to [his] such party's complaint, except as otherwise  
106 provided by federal law or any other provision of the general statutes.

107 (h) In the investigation of any complaint filed pursuant to this  
108 chapter, the commission may issue subpoenas requiring the  
109 production of records and other documents relating to the complaint  
110 under investigation.

111 (i) The executive director of the commission or [his] the executive

112 director's designee may enter an order of default against a respondent  
113 (1) who, after notice, fails to answer a complaint in accordance with  
114 subsection (a) of this section or within such extension of time as may  
115 have been granted or (2) who fails to answer interrogatories issued  
116 pursuant to subdivision (11) of section 46a-54 or fails to respond to a  
117 subpoena issued pursuant to subsection (h) of this section and  
118 subdivision (9) of section 46a-54, provided the executive director or  
119 [his] the executive director's designee shall consider any timely filed  
120 objection, or (3) who, after notice and without good cause, fails to  
121 attend a mandatory mediation session or mandatory fact-finding  
122 conference. Upon entry of an order of default, the executive director or  
123 [his] the executive director's designee shall appoint a presiding officer  
124 to enter, after notice and hearing, an order eliminating the  
125 discriminatory practice complained of and making the complainant  
126 whole. The commission or the complainant may petition the Superior  
127 Court for enforcement of any order for relief pursuant to section 46a-  
128 95."

129 In line 46, after "2001" insert ", except that section 4 shall take effect  
130 October 1, 2001"